

Appl. No. 09/820,580  
Amdt. dated: February 1, 2005  
Reply to Office Action of November 1, 2004

### REMARKS

Claims 1-5, 8-17, 18, 19 and 23-31 have been cancelled. Claims 32-43 have been added.

Applicant notes with appreciation the Examiner's willingness to allow claims 6-7 if re-written to include all of the limitations of the base claim and any intervening claim. Furthermore, Applicant notes with appreciation the Examiner's willingness to allow claims 20-22 if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph and to include all of the limitations of the base claim and any intervening claims. Accordingly, Applicant has re-written claims 6-7 to include all of the limitations of the base claim and any intervening claim. Further, Applicant has re-written claims 20-22 to overcome the examiner's rejections under 35 U.S.C. § 112, second paragraph and to include all of the limitations of the base claim and any intervening claims. Accordingly, claims 6-7 and 20-22 are now allowable.

Claims 16-17, 20-22, and 27-31, where were indicated as defining allowable subject matter have been cancelled for reasons of the high cost placing them in independent form, and not for reasons related to patentability. Given that claims 1-5, 8-15 and 23-24, have been cancelled, the errors in the reasoning in support of those rejections are now moot and will not be addressed. By choosing not to address these errors, applicant is not acquiescing in, or agreeing that, the analysis or reasoning of the examiner with regard to Bloomfield et al. or Ochiai is correct. Applicant reserves the right to address any errors in the reasoning.

New claims 44 and 45 depend from claims 6 and 7, respectively and are allowable for at least the reason that they depend from allowable base claims.

With regard to newly added claims 32-43, Applicant submits that none of the cited references, including Bloomfield et al., show a broadband communication device dialing a remote device over a PTSN to receive configuration information for configuring the broadband communication device to communicate over a broadband connection. Accordingly, Applicant submits that claims 32-43 are patentable over cited art.

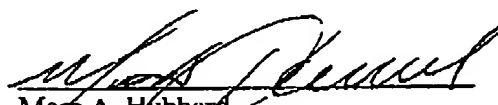
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**CONCLUSION**

It is submitted that the application is in condition to be allowed, and such action is respectfully requested. The Commissioner is hereby authorized to charge any fees or credit any overpayments associated with this communication to Deposit Account No. 13-4900 of Munsch Hardt Kopf & Harr, P.C.

Respectfully submitted,

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